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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,527	03/24/2006	Kiyoshi Kato	0756-7660	5487

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Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, VA 22033

EXAMINER

WOLDEGEORGIS, ERMILAS T

ART UNIT	PAPER NUMBER
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2893

MAIL DATE	DELIVERY MODE
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06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,527

Applicant(s)

KATO ET AL.

Examiner

ERMIAS WOLDEGEORGIS

Art Unit

2893

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7-9, 11-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7-9, 11-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. *Response to amendment*

Claims 3, 6, 10 and 14 have been cancelled; claims 1, 2, 4-5, 7-9, 11-13 and 15-16 have been amended; and claims 1, 2, 4-5, 7-9, 11-13 and 15-16 are currently pending.

2. *Priority*

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

3. *Claim Rejections - 35 USC § 102/103*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Koyama et al. (US. 2002/0126108 A1, hereinafter "Koyama").

In regards to claims 1 and 7, Koyama discloses (Figs. 26(A)-27(B)) a memory device comprising a memory cell (**memory portion, Fig. 27(B)**) formed over an insulating surface (**2602**), which includes a semiconductor film (**2606**) having two impurity regions (**2636/2637**) a region therebetween, a gate electrode (**2617/2752**) formed over the region with an insulating film (**2608**) interposed therebetween, and two wirings (**2767/2768**) connected to the respective impurity regions (**2636/2637**), wherein the semiconductor film (**2606**) interposed between the two wirings (**2767/2768**) of the memory cell (**memory portion, Fig. 27(B)**) is altered to an insulating state by applying a voltage between the gate electrode and at least one of the two wirings (*since the material used for island shape semiconductor layer of the present application and the Koyama reference are the same: a-silicon, it is the property of this material to alter when applying voltage during operation and/or programming of the device. Therefore, a-silicon exhibits the same property as claimed here*).

In regards to claims 4 and 11, Koyama discloses (Figures 26(A)-27(B)) a memory device comprising a first memory cell and a second memory cell (*though a single memory cell is shown, it is apparent that plurality of memory cells are formed throughout the substrate*) formed over an insulating surface (**2602**), each of which includes a semiconductor film (**2606**) having two impurity regions (**2636/2637**) and a region therebetween, a gate electrode (**2617/2752**) formed over the region with an insulating film (**2608**) interposed therebetween, and two wirings (**2767/2768**) connected to the respective impurity regions (**2636/2637**), wherein the first memory cell comprises an initial state (*inherently there at least one bit to tell whether data is stored or not*); and the semiconductor film (**2606**) interposed between the two wirings

Art Unit: 2893

(2767/2768) of the second memory cell (2774) is altered to an insulating state by applying a voltage between the gate electrode and at least one of the two wirings (*since the material used for island shape semiconductor layer of the present application and the Koyama reference are the same: a-silicon, it is the property of this material to alter when applying voltage during operation and/or programming of the device. Therefore, a-silicon exhibits the same property as claimed here*).

In regards to claim 15, Koyama discloses (Figures 26(A)-27(B)) a manufacturing method of a memory device, comprising the steps of: forming an island shape semiconductor film (2606) over an insulating surface (2602); forming a gate insulating film (2608) over the island shape semiconductor film (2606); forming a gate electrode (2617) over the gate insulating film (2608); doping an N-type impurity element (Par [0284]) with the gate electrode (2617) used as a mask (Par [0289-0290]), thereby forming an N-type high concentration impurity region (2637/2638) in the island shape semiconductor film (2606); forming an interlayer film (2761/2762) over the gate insulating film (2608) and the gate electrode (2617); forming a contact hole (Par [0298]) in the interlayer film (2761/2762) and a wiring (2767/2768) connected to the high concentration impurity region (2636/2637), thereby forming a memory cell (memory 2774), and applying a voltage between the gate electrode and the wiring of the memory cell, thereby altering a channel region of the island shape semiconductor film to an insulating state (*since the material used for island shape semiconductor layer of the present application and the Koyama reference are the same: a-silicon, it is the property of this material to alter when applying voltage during operation and/or programming of the device. Therefore, a-silicon exhibits the same property as claimed here*).

In regards to claims 1, 4, 7, 11 and 15, though Koyama fails to explicitly and/or specifically teach a write-once memory however the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the

process steps or structural limitations are able to stand alone. *See In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). *See also Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) ("where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation"); *Kropa v. Robie*, 187 F.2d at 152, 88 USPQ2d at 480-81 (preamble is not a limitation where claim is directed to a product and the preamble merely recites a property inherent in an old product defined by the remainder of the claim). Finally, if all the structural limitations in the body of the claims are met, it is therefore the intended use of the product is also met.

In regards to claims 2, 5, 9, 13 and 16, Koyama discloses wherein each memory cell of the memory device (2774) comprises two or more gate electrodes (2617, 2752).

In regards to claims 3, 6, 10, and 14, Koyama discloses the semiconductor film (2606) is altered to an insulating state by applying a voltage between the gate electrode and at least one of the two wirings ((since the material used for island shape semiconductor layer of the present

application and the Koyama reference are the same: a-silicon, it is the property of this material to alter when applying voltage during operation and/or programming of the device. Therefore, a-silicon exhibits the same property as claimed here).

In regards to claims 8 and 12, Koyama discloses the electrode (2617/2752) is interposed between the two wirings (2767/2768).

6. *Response to Arguments*

Applicant's arguments filed 3/04/2010 have been fully considered but they are not persuasive.

Please see the rejections above as to how each amended claims are addressed and rejected by the prior art.

7. *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERMIA WOLDEGEORGIS whose telephone number is (571)270-5350. The examiner can normally be reached on Monday through Friday 8:30 AM to 6:00 PM E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daveinne Monbleau can be reached on 571-272-1945. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERMIA WOLDEGEORGIS/
Examiner, Art Unit 2893

/A. Sefer/
Primary Examiner, Art Unit 2893

Application/Control Number: 10/573,527
Art Unit: 2893

Page 9